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09/788,311	02/15/2001	Lawrence D. Hartsook	23712-05099	7055
758 7590 11/26/2010 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER DARNO, PATRICK A				
ART UNIT 2158		PAPER NUMBER		
NOTIFICATION DATE 11/26/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOC@Fenwick.com

Office Action Summary

Application No.

09/788,311

Applicant(s)

HARTSOOK ET AL.

Examiner

PATRICK A. DARNO

Art Unit

2158

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12, 14, 17, 19-22, 24-27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14, 17, 19-22, 24-27, and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. No new claims were added. Claims 10, 13, 15, 16, 18, 23, and 28 are canceled. Claims 1, 3, 5, 19, 20, 24, 25, and 31-33 are amended. Claims 1-9, 11, 12, 14, 17, 19-22, 24-27, and 29-33 are pending in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9, 12, 14, 17, 19-22, 24-27, and 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,766,330 issued to Shyh-Kwei Chen et al. [hereinafter “Chen”].

Claim 1:

Chen discloses a computer implemented method for dynamically rendering data in a markup language document represented in a markup language [Chen: *abstract, lines 6-10 and column 2, lines 52-55 and Figs. 4, 6B, 6C, and 6E*], the method comprising:

identifying a symbol in the data in the markup language, the symbol indicating a query of a data set [Chen: *Fig 4, element 410 and Fig. 6C, element 1535 and Fig. 6E; Note the “::” symbol which denotes the start of the query value assignment statement. Furthermore, note that Fig. 6E discloses wherein the DTD definition for defined XML structure **PO** is utilized in the markup language document to render the document.*

*This structure type **PO** which is clearly part of the markup language document, as shown in FIG. 6E, is defined in DTD documents displayed in Figs. 4, 6b, and 6C. However, there is no disputing, that this defined structure or schema is part of (in), and utilized to render, the markup language document displayed in Fig. 6E.), the query containing one or more variables [Chen: Fig. 6C, element 1505; The query statement includes at least the variables company, id, and PO.buyer(r).], wherein*

*the query is associated with a markup language tag in the markup language document [Chen: Fig. 4, element 410 and Fig. 6C; Note particularly the queries in Fig. 4, elements 410 and Fig. 6C, element 1535. These queries are defined in the definition for structure or schema PO. And PO is included in, and therefore part of, the markup language document disclosed by Fig. 6E. Note further, as disclosed by Fig. 6E, that PO is inside a markup language tag, and PO includes the query. Therefore, the query 1) is associated with the markup language via the structure or schema PO, and 2) is included within the markup language tag.], the markup language document for rendering [Chen: abstract, lines 5-10; "[g]eneration of a valid output XML document is rendering a markup language document."] and the markup language tag specifying rendering of a portion of the markup language [Chen: see at least Fig. 6E and abstract, lines 5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42; Note that the structure or schema **PO** is inside of a markup language tag and is part of a defined DTD which aids in "generation of an output", displaying, or rendering the XML document.];*

the markup language is augmented with a variable resolution functionality to support the variables [Chen: Fig. 6C; Note that the query in Fig. 6C which is used to assign a result to the variable is within the markup language tag. This clearly shows that the markup language as been modified, altered, or augmented.], each variable resolving to two or more variable values [Chen: Fig. 6A, element 410, 6C, element 1535

and column 10, line 54 - column 11, line 14; Note particularly variables, such as "company" may resolve to two or more variable values such as "IBM" or "CITIBANK" [Chen: Fig. 6A, element 1310].];

accessing the data set in order to generate a resolution to the query [Chen: Fig. 6A and column 10, line 28 - column 11, line 15 and column 5, lines 38-39; Note that data sets, such as those set forth in Fig. 6A are accessed to generate a result or resolution to the query.], wherein the one or more variables contained in the query are resolved as part of the generation of the resolution to the query [Chen: see Figs. 6C and 6E; Notice that the variables in the query shown in Fig. 6C, elements 1535 like "company" are resolved to a value for a particular company name as shown in Fig. 6E, elements, 2005, 2010 that was stored in the data set such as "CITIBANK" or "IBM"];

substituting the two or more variable values for each variable into the query to generate two or more completed queries [Chen: column 2, lines 49-55 and column 6, lines 28-31 and Figs. 6C and 6E; Note that a list of values can be returned for each variable in the query.]; and

dynamically rendering the resolution to the two or more completed queries together as a part of rendering of markup language document [Chen: abstract, lines 5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42 and Figs. 4, 6B, 6C, and 6E; Note that result or resolution of "one or more queries" is assigned to "binding variables". Clearly Chen discloses wherein a plurality of two or more queries may be processed together, and rendered into the final mark-up language document.], according to at least one rule associated with the markup language tag [Chen: column 5, lines 33-35 and Fig. 6E; Appears to show tests or rules that must be satisfied for a for values to be returned as part of the vector [i.e., all values less than 100 or all values greater than 10].].

Claim 2:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein the symbol comprises a delimited token [Chen: column 1, lines 48-53 and column 3, lines 46-48 and Fig. 4, elements 410; The delimited token is the XPATH query. This assertion is made because page 8 of the Applicant's specification expressly asserts that "[a]n XPath query is a delimited token."].

Claim 3:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein the symbol is located within the data in the markup language document, the markup language document for rendering the data [Chen: Fig. 4, element 410 and Fig. 6C and 6E; Note particularly that the queries in Fig. 4, element 410 and Fig. 6C, element 1535. These queries are defined in the definition for structure or schema PO. And PO is included in, and therefore part of, the markup language document disclosed by Fig. 6E.].

Claim 5:

Chen discloses all the elements of claim 3, as noted above, and Chen further discloses wherein rendering further comprises:

rendering the resolution according to a semantics of the markup language tag with which the query is associated [Chen: column 5, lines 33-35; Appears to show tests or rules that must be satisfied for a for values to be returned as part of the vector [i.e., all values less than 100 or all values greater than 10]. These test or rules may be added to at least the DTD defining PO. And PO, as can be seen in Fig. 6E, is part of the markup language, and included in a markup language tag.].

Claim 6:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein the data set comprises a set of at least one document in a hierarchically structured format [Chen: column 8, lines 34-36; Note that the queries may access "XML repositories." XML documents are hierarchically structured.].

Claim 7:

Chen discloses all the elements of claim 6, as noted above, and Chen further discloses wherein the hierarchically structured format comprises Extensible Markup Language [Chen: column 8, lines 34-36; Note that the queries may access "XML repositories." XML documents are hierarchically structured.].

Claim 8:

Chen discloses all the elements of claim 7, as noted above, and Chen further discloses wherein the symbol conforms to an Extensible Markup Language standard concerning queries [Chen: column 1, lines 48-53 and column 3, lines 46-48 and Fig. 4, elements 410; Note particularly "XPath". XPath is one type of XML query standard.].

Claim 9:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein the data set comprises a database [Chen: column 8, lines 20 – 38 and Fig. 6A].

Claim 12:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses generating a resolution to the query by retrieving a node set from a set of documents in

Extensible Markup Language [Chen: column 9, lines 18 and column 9, lines 26-28 and column 8, lines 34-38]; and

rendering each member of the node set [column 2, lines 52-55].

Claim 14:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses wherein each variable contained in the query comprises a token bounded by delimiters [Chen: Fig. 6C, element 1535].

Claim 17:

Chen discloses all the elements of claim 1, as noted above, and Chen further discloses receiving an input from a user [Chen: column 8, lines 24-26 and column 8, lines 9-13]; responsive to receiving the input, updating the data set based at least in part on the received input [Chen: column 8, lines 24-26 and column 8, lines 13-15].

Claim 19:

Claim 19 is rejected under the same reasons set forth in the rejection of claim 1.

Claim 20:

Claim 20 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 21:

Claim 21 is rejected under the same reasons set forth in the rejection of claim 12.

Claim 22:

Claim 22 is rejected under the same reasons set forth in the rejection of claim 17.

Claim 24:

Claim 24 is rejected under the same reasons set forth in the rejection of claim 1.

Claim 25:

Claim 25 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 26:

Claim 26 is rejected under the same reasons set forth in the rejection of claim 12.

Claim 27:

Claim 27 is rejected under the same reasons set forth in the rejection of claim 17.

Claim 30:

Chen discloses all the elements of claim 1, and Chen further discloses wherein augmenting the markup language with a variable resolution functionality to support the variables further comprises providing a variable table for storing names and values of the variables, each variable of one of the plurality of data types [Chen: Fig. 6A]; and

utilizing a syntax in the markup language for creating the variables by adding the variables to the variable table [Chen: column 9, lines 19-32].

Claim 31:

Chen discloses the method of claim 1, wherein each completed query comprises a node [Chen: see Fig. 6C, element 1535 and Fig. 6E, 2005] and the at least one rule associated with the markup language tag [Chen: column 5, lines 29-35 and column 11, lines 44-45 and Fig. 4, 6B, 6C, and 6E] and directs rendering of each node belonging to each completed query as a cell of the rendered table [Chen: column 2, lines 52-55 and column 5, lines 29-42].

Claim 32:

Claim 32 is rejected under the same reasons set forth in the rejection of claim 31.

Claim 33:

Claim 33 is rejected under the same reasons set forth in the rejection of claim 31.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, and further in view of U.S. Patent Application Publication Number 2007/0016909 issued to Taylor S. Gautier [hereinafter "Gautier"].

Claim 4:

Chen discloses all the elements of claim 4, as noted above, but Chen fails to expressly disclose wherein the markup language comprises Hyper Text Markup Language.

However, Gautier discloses wherein the markup language comprises Hyper Text Markup language [Gautier: paragraph [0028]].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chen with the teachings of Gautier noted above. The skilled artisan would have found it "obvious to try" the markup language HTML [Hyper Text Markup Language] because the prior art presents a finite list of markup languages for solving the problem of storing and/or displaying data which include HTML. Since such a finite list is set

forth in the prior art, it would have been obvious for the skilled artisan to try each solution in order to determine which one yields the most desired results.

4. Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, and further in view of U.S. Patent Application Publication Number 2002/0032706 issued to Jesse Perla et al. [hereinafter "Perla"].

Claim 11:

Chen discloses all the elements of claim 1, as noted above, but Chen fails to expressly disclose wherein generating rendering is performed by software running on a hand held computing device.

However, Perla discloses wherein generating rendering is performed by software running on a hand held computing device [Perla: paragraph [0007] and [0034]].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chen with the teachings of Perla noted above. The skilled artisan would have been motivated to improve the teachings of Chen per the above in order to create web pages specifically formatted for the display of a cell phone [Perla: paragraph [0034, lines 5-6]] in order to increase the spread of information via the internet [Perla: paragraph [0001]].

Claim 29:

Chen discloses all the elements of claim 3, as noted above, but Chen fails to expressly disclose wherein the markup language comprises Wireless Markup Language.

However, Perla discloses wherein the markup language comprises Wireless Markup Language [Perla: paragraph [0007] and [0034]].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chen with the teachings of Perla noted above. The skilled artisan would have been motivated to improve the teachings of Chen per the above in order to create web pages specifically formatted for the display of a cell phone [Perla: paragraph [0034, lines 5-6]] in order to increase the spread of information via the internet [Perla: paragraph [0001]].

Response to Arguments

Applicant Argues:

Since the query specified in Chen is not contained in a markup language document that is being rendered, Chen does not disclose several limitations of the claim 1 including "the query is associated with a markup language tag in the markup language document, the markup language document for rendering and the markup language tag specifying rendering of a portion of the markup language document" and "dynamically rendering the resolution to the two or more completed queries together as a part of rendering of the markup language document, according to at least one rule associated with the markup language document."

Examiner cites Chen, FIG. 4 and FIG. 6C as disclosing the markup language containing the symbol. However, FIG. 4 and FIG. 6C disclose an example of a DTD which is distinct from a "markup language document for rendering" as claimed.

Examiner Responds:

Examiner is not persuaded. The Examiner respectfully disagrees with the main premise of Applicant's argument. Applicant argues that "[s]ince the query specified in Chen is not contained in a markup language document that is being rendered, Chen does not disclose several of the limitations of claim 1." However, Chen does in fact disclose wherein the query specified by Chen is contained in a markup language document that is being rendered [Chen: Figs. 4, 6B, 6C, and 6E and : abstract, lines 5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42].

Note particularly the queries in Chen: Fig. 4, elements 410 and Fig. 6C, element 1535. These queries are defined in the definition for structure or schema PO. And PO is contained in, and therefore part of, the markup language document disclosed by Fig. 6E. Note further, as disclosed by Fig. 6E, that PO is inside a markup language tag [Chen: Fig. 6E], and PO includes

the query [Chen: Figs. 4, 6B, 6C]. Therefore, the query 1) is associated with the markup language via the structure or schema PO, and 2) is included within the markup language tag. As a result, it appears to be clear that Chen discloses the query is associated with a markup language tag in the markup language document [Chen: Fig. 4, element 410 and Fig. 6C], the markup language document for rendering [Chen: abstract, lines 5-10; "[g]eneration of a valid output XML document is rendering a markup language document."], and the markup language tag specifying rendering of a portion of the markup language [Chen: see at least Fig. 6E and abstract, lines 5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42; Note that the structure or schema PO is inside of a markup language tag and is part of a defined DTD which aids in "generation of an output", displaying, or rendering the XML document.].

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Applicant Argues:

Examiner cites Chen (abstract, lines 5-10, column 2, lines 49-55, column 3, lines 46-58, and column 5, lines 37-42) as disclosing "dynamically rendering the resolution of the two or more completed queries together as part of the markup." However, these portions do not disclose "dynamically rendering the resolution to the two or more completed queries together as a part of **rendering the markup language document**" that contains the symbol and the markup language tag. The cited portions disclose generation of XML document using the data selected by the XML queries to conform to DTD.

The symbol and the markup language tags are contained in the DTD and Chen does not disclose rendering of the resolution of the completed queries as part of rendering of the DTD (since the DTD is a Document Type Definition and not a markup language document to be rendered). Therefore, Chen does not disclose the limitation "dynamically rendering the resolution to the two or more completed queries together as part of rendering of the markup language document, according to at least one rule associated with the markup language."

Examiner Responds:

Examiner is not persuaded. Chen discloses dynamically rendering the resolution to the two or more completed queries together as a part of rendering of markup language document [Chen: abstract, lines 5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42 and Figs. 4, 6B, 6C, and 6E].

First, as disclosed by Chen, the XML document with the DTD contained therein [see the structure or schema PO in Fig. 6E] performs rendering of an XML document [Chen: abstract, lines

5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42; Note particularly "[g]eneration of a valid output XML document is rendering a markup language document."]. Additionally, this rendering comprises the resolution to two or more completed queries [Chen: abstract, lines 5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42 and Figs. 4, 6B, 6C, and 6E]. Note that result or resolution of "one or more queries" is assigned to "binding variables" [Chen: abstract, lines 5-10 and column 2, lines 49-55 and column 3, lines 46-58 and column 5, lines 37-42 and Figs. 4, 6B, 6C, and 6E]. Furthermore, in Chen's own words, the reference discloses "[t]he present invention allows multiple queries of different or same query languages or expressions to be naturally integrated and produce a single XHTML output" [Chen: column 3, lines 46-58]. Clearly, Chen discloses wherein a plurality of two or more queries may be processed together, and rendered into the final mark-up language document.

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad Ali/
Supervisory Patent Examiner, Art Unit 2158

/Patrick A. Darno/
Examiner
Art Unit 2158
11-19-2010

PAD

